

STAKEHOLDERS CONSULTATIVE MEETING HELD ON 23RD TO 25TH JULY 2019 AT VOYAGER BEACH RESORT, MOMBASA.

Introduction

Forest Carbon Partnership Facility (FCPF) REDD+ project through its delivery partner UNDP-Kenya; is facilitating a dialogue process in Elgeyo marakwet county that will help in addressing key issues raised by communities living in Embobut forest ecosystem and to further support the county in developing legislation on forest conservation and management. The national policies on forest conservation, management and climate change act 2016 necessitate counties to develop county specific policies and acts on adaptation and mitigation which will incorporate the participation of both Indigenous People (IP) and local communities in the county.

Amid the consultation processes, a three-day meeting that took place in Voyager Beach Resort, Mombasa from 23rd to 25th July was held to provide feedback on the FPIC process and the issues raised during the stakeholders consultative meetings. This meeting was planned with the key national stakeholders involved in forest management in the county including the County Government Executive team, the County Commissioner, the Ministry of Environment and forestry, the Kenya Forest Service and participation and overall support from UNDP.

Opening remarks

The UNDP coordinator, Judy Ndichu, welcomed the participants of this very important workshop of stakeholders who have varying interests in the National REED+ preparedness activities, forest management sustainability plans, control and management of forest produce, legislation and regulations affecting conservation of forest and its stakeholders and case studies of best an all-inclusive promotion of forest conservation and management both in Kenya and others parts of the world. She then set the house rules and welcomed her team leader, Evelyn, the UNDP National REDD+ Coordinator. In her remarks, she stated that she was happy that the county was taking the process of climate change and National REE+ preparedness seriously as witnessed by the presence of the entire team from the county. She

Deliberations

The stakeholders' meeting started by painting a picture on the actual forestry issues in Elgeyo Marakwet county by their county leadership as well as the background of the FCPF REDD+ readiness project in Elgeyo Marakwet county by the project lead teams from the Ministry of Environment and forestry and the UNDP. The Council of Governors Rep to KFS also highlighted functions of the county government according to TIPS as guides by Transitional Authority.

According to the presentations by the EMC team, The FPIC process initiated in Elgeyo Marakwet county required that the IP's and the local community were not only informed on the planned process by the county towards developing its forest policies and acts but also to collect their views on how they would want to participate meaningfully and give their inputs into the process. Key issues raised by the community include:

- Rampant landslides along the hanging valley of Elgeyo Marakwet resulting from poor farming practices and forest fires along these zones
- Intentional bush fires on the hills by herders
- There have been common evictions of communities living in forests by KFS – cases from Kaptagat and Embobut. These communities feel that parts of gazetted forest zones are their ancestral lands.(Sengwer And Ogiek)
- There is need for regulation of eucalyptus tree planting in the county.
- The need for KFS to find a way of sharing forest proceeds after harvesting forest products, through organized groups; especially those that take care of plantation forest and CFA's.
- There is need for regulation of charcoal burning in the county, as it is a major driver of forest degradation within the Kerio Valley.

The stakeholders were taken through a facilitator from Kenya Human Rights Commission on Human Rights Based Approaches to management conservation of forests by. HRBA's promotes involvement and participation of both IP's and local communities in forest management conservation activities. It also ensures that Human rights are not only respected but also protected and fulfilled in any development process especially those that touch on forest ecosystems since most people draw their livelihoods from these ecosystems. Some of the opportunities in this includes conducting regular assessments as given by law to monitor project impacts on community members using tools such as human rights checklist, the environmental and social impact assessments, World Bank Project Operation Safeguards etc.

From the legal perspective, a presentation from Mr Kibugi highlighted the existing county legislations as well as platforms that the county government can utilize in promoting forest management and governance. He noted that the county governments needed to develop its legislations to govern and regulate its existing resources including forest products. This presentation emphasized that there is need to adopt best practices and even put incentives to motivate functions/activities that are doing well within the county. The presenter also accentuated on an approach that not only engages all stakeholders to promote ownership of legislations but also that which build consensus to avoid future resistance. Further, a need for situational analysis is key in identify actual issues to be addressed. The county, according to this presentation, can utilize such opportunities as identifying indigenous knowledge that promoted and conserved forests in the past, use of county spatial plans to promote forestry

activities, transitioning the economy to activities that do not damage the forest conservation and any other intervention that support local ecosystems.

With the presentation from Narok County Director of Environment, key lessons were learned from their Environment Act 2017 drafting process. They carried out a situational and need identification analysis in form of a research study which then guided the development of its Act. From their multi-stakeholder engagement, it came out clearly that policy formulation and implementation not only promotes ownership but also promotes easier implementation of the policy. They used IPs and local communities in identifying best indigenous knowledge and practices that promote forest management and conservation. This was also evident with the Whakatane model in Mt. Elgon, where the traditional knowledge has been utilized by the communities to conserve forests and wildlife in the Mt. Elgon game reserve. Although the process is on-going, through this approach, KWS has worked very closely with the communities living around the game reserve to promote and enhance wildlife and forest conservation.

Key Lessons learned

1. There is need to engage the communities living around forests to not only understand the importance of KFS functions in management of forests but also to understand some of the opportunities they can explore to mutually manage forest resources together. In many instances, the communities has been sidelined and regarded themselves as intruders into these forests yet they are part of the ecosystem since they draw their livelihoods from these forests.
2. There is a lot to be borrowed from the Narok County Environment Act 2017, considering the similarities in the type of environment and resources, the presence of indigenous communities. In view of this, Narok County will be largely benchmarked and consulted in the process of enacting EMC legislation.
3. Benefits on accrued forest resources in Elgeyo Marakwet County is an area that need to be addressed in the county. This agenda is highly advocated by both the county leadership, the IP's and the Local communities.
4. It came out that there were other state and none state natural resource actors that need to be incorporated into the dialogue process to contribute their inputs. For example the regional development authorities like the KVDA, KETRACO, KPLC, WORLD VISION KENYA and others
5. Most of the forest functions has been devolved to counties as per the TIPs guided by the Transitional Authority but funds for the functions have never been devolved, which renders implementation and performance of such functions impossible. Such functions include: forest extension activities, Development and implementation of county forest management plans, Identification and setting a part of lands for forest reservation, development and creation of county forests, among others.

6. As part of addressing the issues in Embobut forest, all the key stakeholders in the forest management in Elgeyo Marakwet county agreed to benchmark, learn and adopt best practices of forest management and conservation from other regions including the Whakatane model.

Way forward.

1. In the interest of National and County Governments, local forest in Elgeyo Marakwet, as in most parts of Kenya, need to be protected and conserved through enactment of legislation to combat desertification and climate change. Contentious issues that have delayed implementation of programs geared towards restoration of degraded wetlands and endangered ecosystems, especially in Charangany, Embobut and Katagat water towers need further engagement among all Forest actors at the County and National Government together with their leadership to agree on how best these issues can be solved.

Conclusion.

The FPIC process and stakeholders' dialogue model for engaging IP's and local communities in Elgeyo Marakwet County is a tool which is working well. Further engagement is therefore recommended to enrich the gains realized hitherto and chat a common and all inclusive journey to establishing a county forest management and conservation bill, which shall be useful now and for future generations.





